

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

JESSE NOAL KILLIAN

Plaintiff,

vs.

UNKNOWN ADAMS,

Defendant.

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Case No. 4:21 CV 1294 JMB

MEMORANDUM AND ORDER

This matter is before the Court on plaintiff's motion to appoint counsel (Doc. 16). The motion is **DENIED without prejudice**.

Plaintiff has no constitutional or statutory right to a court appointed attorney. Ward v. Smith, 721 F.3d 940, 942 (8th Cir. 2013). However, the court may recruit an attorney after considering "the factual and legal complexity of the underlying issues, the existence of conflicting testimony, and the ability of the indigent plaintiff to investigate the facts and present his claims." Id.

Based on the record before the Court, appointment of counsel is not warranted. This case does not appear to be factually or legally complicated. Plaintiff is asserting one claim of excessive force against one defendant while he was a pretrial detainee at the Jefferson County Jail in October, 2018. His claim is limited in both time and scope and does not involve any complicated legal issues. While there may be conflicting testimony, this is not unusual in an excessive force case. And, given then limited facts and claim, plaintiff should not have difficulty investigating his claim through discovery. Finally, the court notes that plaintiff appears capable of communicating in English, that he has filed clear pleadings, that he can seek relief from the court through motions

and has sought documents from the Clerk of Court, and that he can follow the court's directions and those outlined on various form pleadings. Accordingly, counsel will not be recruited at this time.

/s/ John M. Bodenhausen
JOHN M. BODENHAUSEN
UNITED STATES MAGISTRATE JUDGE

Dated this 10th day of June, 2022